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Attorneys for Defendant
Scott Newberger

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION :
CORPORATION, :

Plaintiff-Applicant, :

v. :

BERNARD L. MADOFF INVESTMENT :
SECURITIES, LLC, :

Defendant. :

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In re: :

BERNARD L. MADOFF INVESTMENT :
SECURITIES LLC, :

Debtor. :

-----X
IRVING H. PICARD, Trustee for the Liquidation :
Of Bernard L. Madoff Investment Securities LLC :

Plaintiff, :

v. :

SCOTT NEWBERGER, :

Defendant. :

-----X

SIPA LIQUIDATION

No. 08-01789 (BRL)

Adv. Pro. No. 10-04611 (BRL)

NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS

PLEASE TAKE NOTICE that Barry R. Lax, a partner of the firm Lax & Neville LLP, appears as an attorney in the above-listed adversary proceeding (the “Adversary Proceeding”) on behalf of Scott Newberger, who is named as Defendant in the Adversary Proceeding. Pursuant to 11 U.S.C. § 1109(b) and the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) 2002, 9007 and 9010, Lax & Neville LLP requests copies of all notices and pleadings given or filed in the Adversary Proceeding and served upon the persons listed below at the following address:

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PLEASE TAKE FURTHER NOTICE that the foregoing demand includes, without limitation, any notice, application, complaint, demand, motion, petition, pleading or request, whether formal or informal, written or oral and whether transmitted or conveyed by mail, electronic mail, facsimile, telephone, telegraph, telex, or otherwise filed or made with regard to the Adversary Proceeding and matters therein.

PLEASE TAKE FURTHER NOTICE that this Notice and Appearance and Request for Service of Papers shall not be deemed or construed to be a consent or waiver by Scott Newberger: (1) to personal jurisdiction of the Bankruptcy Code; (2) to have final orders in non-core matters entered only after de novo review by a District Court Judge; (3) of the right to trial by jury in any proceeding so triable in this case or any case, controversy, or proceeding related to this case; (4) to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal; or (5) of any other rights, claims, actions, defenses,

setoffs, or recoupments to which Scott Newberger is or may be entitled, in law or in equity, all of which rights, claims, actions, defenses, setoffs, and recoupments Scott Newberger expressly reserves.

PLEASE TAKE FURTHER NOTICE that this Notice of Appearance and Request for Service of Papers does not constitute an agreement to accept service of initial process under Rule 4 of the Federal Rules of Civil Procedure, or Bankruptcy Rule 7004, nor shall it result in the undersigned counsel being deemed to be the agent of Scott Newberger.

Dated: New York, New York
January 19, 2017

LAX & NEVILLE LLP

By: /s/ **Barry R. Lax**
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